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SCHEDULES

SCHEDULE 3

Section 15(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

ENGLAND AND WALES

Water Industry Act 1991 (c. 56)

- 1 In section 148(1) of the Water Industry Act 1991 (restriction on charging for metering), for “to be used” there is substituted “capable of being used”.
- 2 In section 149(2)(a) of that Act (further provision relating to charging by volume), for “in relation to which the meter is to be used” there is substituted “to which the meter relates”.
- 3 After section 150A of that Act there is inserted—

“ Interpretation of Chapter I

150B Meaning of “consumer” in Chapter I.

In this Chapter “consumer”—

- (a) in relation to the supply of water by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall, and
 - (b) in relation to the provision of sewerage services in respect of any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of those services would fall.”
- 4 (1) Section 195 of that Act (the Director’s register) is amended as follows.
 - (2) At the end of subsection (1) there is inserted “ and of section 143 above ” .
 - (3) After subsection (3) there is inserted—

“(3A) The Director shall also cause to be entered on the register the provisions of any guidance given to him by the Secretary of State under section 143(7) above.”

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PART II

SCOTLAND

House of Commons Disqualification Act 1975 (c. 24)

- 5 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) is amended as follows.
- (2) In Part II (bodies of which all members are disqualified), the entry for the Scottish Water and Sewerage Customers Council and any committee established by it is repealed.
- (3) In Part III (other disqualifying offices), there is inserted in the appropriate place—
- “The Water Industry Commissioner for Scotland”.

Water (Fluoridation) Act 1985 (c. 63)

- 6 (1) The Water (Fluoridation) Act 1985 is amended as follows.
- (2) In section 4 (publicity and consultation about fluoridation schemes)—
- (a) in subsection (2)(b)(i), for “Customers Council” there is substituted “ Water Industry Commissioner for Scotland ”, and
- (b) in subsection (3), for the words from “each” to “subsection (2)(b)(i) and (ii)” there is substituted “ the Commissioner and each local authority to whom they are required by subsection (2)(b) ”.
- (3) In section 5 (interpretation), the definition of “Customers Council” is repealed.

Local Government etc. (Scotland) Act 1994 (c. 39)

- 7 The Local Government etc. (Scotland) Act 1994 is amended as follows.
- 8 In section 63(4) (consultation about alteration of water areas and sewerage areas), for “Customers Council” there is substituted “ Commissioner (established under section 67A(1) of this Act) ”.
- 9 In section 66 (codes of practice)—
- (a) subsection (2) is repealed,
- (b) in subsection (4), for “Customers Council” there is substituted “ Commissioner ”,
- (c) in subsection (5), for the words from “apply” in the second place where it occurs to the end there is substituted “ to a charges scheme made under that section ”, and
- (d) after subsection (6) there is inserted—
- “(7) The Commissioner—
- (a) shall monitor the compliance by each authority with their code of practice as so approved,

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- (b) may advise the Secretary of State on such compliance, and
 - (c) may request an authority to review their code of practice, or any provision of it, in such respects as the Commissioner may specify.”
- 10 (1) Section 68 (functions of Customers Council) is amended as follows.
 - (2) Subsection (1) is repealed.
 - (3) For subsection (2) there is substituted—
 - “(2) The Commissioner shall investigate any complaint made to him, or to the appropriate Consultative Committee, by a current, potential or former customer of a new water and sewerage authority, as respects a function of that authority (whether as a water authority or as a sewerage authority).
 - (2A) The Commissioner need not investigate such a complaint if—
 - (a) the complainer has not pursued the complaint with the authority, or
 - (b) it appears to the Commissioner that the complaint is vexatious or frivolous.”
 - (4) In subsection (3)—
 - (a) the words “Without prejudice to subsection (1)(c) above” are repealed,
 - (b) for “Customers Council” there is substituted “ Commissioner ”,
 - (c) for “it” in the second place where it occurs there is substituted “ him ”, and in the third place where it occurs there is substituted “ he ”, and
 - (d) for “the Council” there is substituted “ him ”.
 - (5) In subsection (4)—
 - (a) for “Customers Council” there is substituted “ Commissioner ”, and
 - (b) for “the Council, or to him” there is substituted “ either of them ”.
 - (6) In subsection (5)—
 - (a) for “Customers Council” there is substituted “ Commissioner ”,
 - (b) for “its” there is substituted “ his ”, and
 - (c) the words from “and without prejudice” to the end are repealed.
- 11 In section 69 (power of Customers Council to require information)—
 - (a) for “Customers Council” and “Council” there is substituted “ Commissioner ”, and
 - (b) for “it” and “its” there is substituted “ he ” and “ his ”.
- 12 (1) Section 70 (annual reports and information) is amended as follows.
 - (2) For subsection (1) there is substituted—
 - “(1) Without prejudice to subsection (3) below, the Commissioner shall, as soon as practicable after the end of each financial year, submit to the Secretary of State a report on his exercise of his functions during that financial year.”
 - (3) In subsection (2)—

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- (a) for “Customers Council” there is substituted “ Commissioner ”, and
 - (b) for “it” there is substituted “ he ”.
- (4) In subsection (3)—
- (a) for “Customers Council” there is substituted “ Commissioner ”, and
 - (b) for “its” there is substituted “ his ”.
- 13 In section 71 (funding of Customers Council)—
- (a) in subsection (1), for “Customers Council” there is substituted “ Commissioner ”,
 - (b) in subsection (3), for “Customers Council” and “Council” there is substituted “ Commissioner ”.
- 14 (1) Section 76 (charges schemes) is amended as follows.
- (2) In subsection (4)—
- (a) for “the Customers Council” and for “the Council” in the first four places where the expression occurs there is substituted “ the Commissioner ”,
 - (b) in paragraph (a), the words “in draft” are repealed,
 - (c) in paragraph (b), for “it” in the first place where it occurs there is substituted “ he ”, and for “draft” there is substituted “ scheme ”, and
 - (d) in paragraph (b)(ii), the words “the Council and” are repealed.
- (3) In subsection (5)—
- (a) for “Customers Council” and “Council” there is substituted “ Commissioner ”,
 - (b) the words “in draft” are repealed, and
 - (c) for “draft” in the second place where it occurs there is substituted “ scheme ”.
- (4) In subsection (6)—
- (a) for “Customers Council” and “Council” there is substituted “ Commissioner ”, and
 - (b) for “it” there is substituted “ he ”.
- (5) In subsection (7)—
- (a) for “Customers Council” there is substituted “ Commissioner ”,
 - (b) after “shall” there is inserted “ (a) ”, and
 - (c) at the end there is inserted “and
 - (b) have regard to any advice published under section 75A of this Act in force at the time of the making of the scheme under subsection (1) above.”
- 15 In section 125 (interpretation of Part II)—
- (a) after the definition of “charges scheme” there are inserted the following definitions—
 - ““the Commissioner” means the Water Industry Commissioner for Scotland (established under section 67A(1));

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“Consultative Committee” means a Water Industry Consultative Committee established under section 67A(2);”

(b) the definition of “the Customers Council” is repealed.

- 16 In section 177(2) (Parliamentary disqualification), the entry for the Scottish Water and Sewerage Customers Council or any committee established by it is repealed.
- 17 Schedule 9 (Customers Council) is repealed.
- 18 In Schedule 13 (minor and consequential amendments), paragraph 140(4)(c) and (5)(a) is repealed.

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